

**VIRGINIA:**

**BEFORE THE BOARD OF PHARMACY**

**IN RE:       RONALD J. MALSAM, PHARMACIST**  
**License No.: 0202-005051**

**ORDER**

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110, and § 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Pharmacy ("Board") on June 12, 2007, in Henrico County, Virginia, to receive and act upon evidence that Ronald J. Malsam may have violated certain laws governing the practice of pharmacy in Virginia. The case was prosecuted by James Schliessmann, Assistant Attorney General. Ishneila Moore, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Malsam was present and was represented by Melinda L. VanLowe, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Ronald J. Malsam previously held License No. 0202-005051 issued by the Board to practice pharmacy in the Commonwealth of Virginia, which was summarily suspended by the Board pursuant to an Order entered February 14, 2007, in accordance with § 54.1-2408.1 of the Code.

2. By Mr. Malsam's own admission, during the course of his employment as the pharmacist-in-charge at Rite Aid Pharmacy #3686, Fairfax City, Virginia, from approximately January 2005 until November 29, 2006, he diverted from pharmacy stock an estimated 621 tablets total of hydrocodone (Schedule III), alprazolam (Schedule IV), acetaminophen with oxycodone (Schedule II), methylphenidate (Schedule II), Flomax (tamsulosin HCl, Schedule VI), Fioricet #90 (butalbital/APAP, Schedule VI), and Lipitor (atorvastatin, Schedule VI), for his personal and

unauthorized use. As a result of his actions, Mr. Malsam's employment was terminated on or about November 29, 2006.

3. Linda Kleiner, his Health Practitioners' Intervention Program ("HPIP") Case Manager, testified that Mr. Malsam signed a Participation Contract on February 23, 2007, and was evaluated by Marworth Treatment Center, Waverly, Pennsylvania ("Marworth"), from March 4, 2007, through March 9, 2007. He then received inpatient treatment at Marworth from March 19, 2007, through May 18, 2007. On June 8, 2007, Mr. Malsam signed a Recovery Monitoring Contract with HPIP. Ms. Kleiner stated that HPIP would not allow for Mr. Malsam to return to work until he has a permanent sponsor, three to six months of negative drug screens and participation in appropriate meetings and counseling.

4. Mr. Malsam testified that he is currently on Naltrexone. He further testified that he gave some of the diverted hydrocodone to his wife.

#### **CONCLUSIONS OF LAW**

The Board concludes that Finding of Fact #2 constitutes a violation of § 54.1-3316(4) and (7) and § 54.1-3410(A) and (B) of the Code.

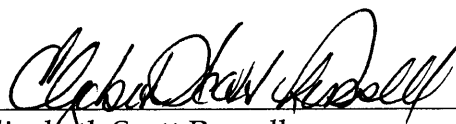
#### **ORDER**

WHEREFORE, the Board of Pharmacy, effective upon entry of this Order, hereby ORDERS that the license of Ronald J. Malsam be INDEFINITE SUSPENDED for a period of not less than three months from the date of entry of this Order. Mr. Malsam may thereafter petition the Board for reinstatement, contingent upon his continued compliance with the terms of his Recovery Monitoring Contract and consistent with the recommendation of HPIP. Consistent with the terms of this Order, in the event that Mr. Malsam seeks reinstatement of his license, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Mr. Malsam has thirty (30) days from the service date in which to appeal this decision by filing, in writing, a Notice of Appeal with Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, 23230-1717. The service date shall be defined as the date Mr. Malsam actually received this decision or the date it was mailed to him, whichever occurred first. In the event this decision is served upon him by mail, three (3) days are added to that period.

Pursuant to § 2.2-4023 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

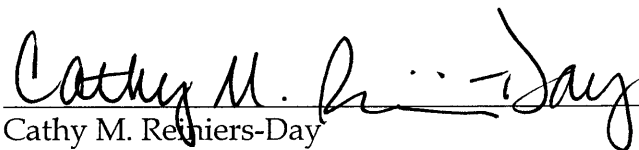


Elizabeth Scott Russell  
Executive Director

Entered: June 29, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Order was mailed to Ronald J. Malsam at 4221 Berritt Street, Fairfax City, Virginia 22030, on this 29th day of June, 2007.



Cathy M. Rehmiers-Day  
Deputy Executive Director